

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Duluth Steam Cooperative Association
1 Lake Place Drive,
Duluth, Minnesota 55802

ATTENTION:

Jim Benning, Director of Public Works & Utilities, City of Duluth
Scott Ecklund, Plant Foreman

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Duluth Steam Cooperative Association (DSCA or you) to submit certain information about DSCA's facility located at 202 South Lake Avenue, Duluth, Minnesota. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that DSCA must submit. DSCA must send this information to EPA within thirty (30) calendar days after you receive this request.

EPA is issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a), which authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

DSCA operates an emission source at the Duluth, Minnesota facility. EPA is requesting this information to determine whether DSCA's emission source is complying with the CAA.

DSCA must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

DSCA must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, DSCA may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information DSCA submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If DSCA does not assert a business confidentiality claim when it submits the information, EPA may make this information available to the public without further notice. DSCA should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

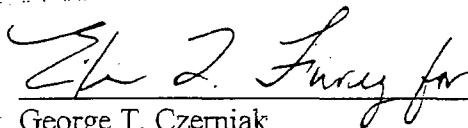
EPA may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject DSCA to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

DSCA should direct any questions about this information request to Albana Bega at 312-353-4789.

2/26/16

Date



George T. Czerniak

Director

Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "related to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term "DSCA" shall mean Duluth Steam Cooperative Association, and all subsidiaries and related entities.

Appendix B

Information Required to Submit to EPA

Pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), Duluth Steam Cooperative Association (DSCA) must submit the following information pertaining to the operation of its facility located at 202 South Lake Avenue, Duluth, Minnesota (the Facility), within thirty (30) calendar days from receipt of this request.

1. For all currently active fossil fuel-fired steam production units at the Facility, provide a Microsoft Excel spreadsheet containing the following information on a monthly and annual basis for the period from January 1, 2013, to the date of this request:
 - a. Total steam production (lbs steam/hr);
 - b. Average heat input (mmBTU/hr);
 - c. Fuel usage (tons; gallons);
 - d. Average heat content (BTU/lbs);
 - e. Total hours under load;
 - f. Percent sulfur; and
 - g. Peak steam production (lbs steam/hr) actually achieved during each month.
2. For each coal-fired unit at the Facility, provide an updated chart containing the following information:
 - a. Emission unit identification number;
 - b. Scheduled or planned unit retirement dates;
 - c. Original design and current gross and net capacity (MWg/MWn);
 - d. Original design and current maximum heat input capacity (mmBtu/hr);
 - e. Type of particulate emissions control (manufacturer and design), date commenced operation, and design outlet emission rate and removal efficiency specification and guarantees;
 - f. Type of sulfur dioxide emissions control (manufacturer and design), date commenced operation, and design outlet emission rate and removal efficiency specification and guarantees;
 - g. Type of nitrogen oxides emissions control (manufacturer and design), date commenced operation, and design outlet emission rate and removal efficiency specification and guarantees;
 - h. Type of sulfuric acid emissions control (manufacturer and design), date commenced operation, and design outlet emission rate and removal efficiency specification and guarantees;
 - i. Any planned particulate, sulfur dioxide, nitrogen oxides, acid gas, or sulfuric acid mist emission controls; and
 - j. Total number of air preheater tubes for each unit.

3. Provide outage summary reports (or similar documents with a summary of work completed during the outage) for all coal-fired steam generating unit outages at the Facility lasting greater than 30-days for the period from January 1, 2013, to the date of this request. To the extent available, include:
 - a. Exact out-of-service and in-service dates (month/day/year);
 - b. Total cost of the outage and a list of all expenses related to the outage;
 - c. Lost generation as a result of forced, maintenance, or scheduled outages (in lbs steam/hr);
 - d. All associated project authorization requests with authorized expenditure, authorizing signatures, approval dates, and any associated attachments, addendums or supporting documentation;
 - e. All work orders, including work order approvals with authorizing signatures;
 - f. Work order project completion reports;
 - g. Descriptive reason for outage (i.e. maintenance, etc.);
 - h. Project justifications/benefits (including any presentations made to city staff, management or the board, or outside approval organizations e.g. public utilities commission);
 - i. Cost/benefit and alternative options analyses;
 - j. Estimated date(s) that components were previously replaced;
 - k. All correspondence with the State or regulatory agency regarding the potential applicability or exemption of any provision of the CAA;
 - l. Copies of all emission calculations performed in conjunction with the outage, including calculations performed before the project was commenced and after the project was completed, as well as any determination(s) that no emission calculations were necessary;
 - m. All documents providing or discussing the prior frequency, duration or extent of outages related to the components being replaced during the outage;
 - n. Copies of all documents describing whether the project was associated with a life extension project, capacity increase, efficiency enhancement, or reliability improvement; and
 - o. All documents describing the purpose or goals of any components being replaced.
4. For each coal-fired unit at the Facility, identify the date(s) any of the following components were replaced or modified (or substantially replaced or modified) between January 1, 2013 and the date of this request: coal feeders, coal grates, superheaters, economizers, generator tubes, waterwall tubes and air heaters (or air preheaters) for each operating unit. For any replacement or modification listed pursuant to this paragraph, provide the following:
 - a. Total cost of the replacement or modification;
 - b. Percentage of the replacement or modification to the overall unit cost.

5. For any replacement or modification of an amount greater than \$50,000 listed in response to Request Number 4 above, provide a copy of the appropriation requests, approvals, outage reports, work orders, and designs specifications associated with each such project.
6. Provide the total cost and any associated, final capital appropriation requests (or similar documents) associated with the following projects set forth in DSCA's March 8, 2013 Response to EPA's January 9, 2013 Section 114 Request for Information:
 - a. 173 air preheater tubes for Boiler Number 3 from April 21 through June 3, 2009;
 - b. 172 air preheater tubes for Boiler Number 4 from July 22 through September 15, 2009;
 - c. 172 air preheater tubes for Boiler Number 2 from September 21 through November 5, 2009;
 - d. 134 air preheater tubes for Boiler Number 2 from April 13 through June 26, 2010; and
 - e. 103 air preheater tubes for Boiler Number 3 from July 25 through September 14, 2011.
7. Provide complete copies of each stack test conducted on any emission units for any reason at the Facility, including but not limit to particulate matter (including PM, PM₁₀ and PM_{2.5}), hydrogen chloride, mercury, sulfur dioxide, and any hazardous air pollutant for the period from January 1, 2013 through the date of this request. Include all test runs, even if a full test series was not completed. In the response, clearly identify the emissions unit, specify the date of the test, and test method(s) used. Provide copies of the full test report, including the section describing the process parameters and production or processing rates at the time of the test.
8. Provide copies of all visible emission observations completed from January 1, 2013 to the date of this request.
9. Provide records of shutdown and/or breakdown notifications of any control or process equipment for the period from January 1, 2013 through the date of this request.
10. For the period from January 1, 2011 through the date of this request, provide the following records for the fabric filter units:
 - a. Pressure drop (in inches of mercury);
 - b. Periodic inspections; and
 - c. Visible emissions.
11. For any out of range conditions submitted in response to Request Number 10 above, provide a description of any corrective actions taken by the Facility. Include a detailed timeline and documentation of any associated costs.
12. Provide copies of the following for the period from January 1, 2013 through the date of this request:

- a. Quarterly Excess Emission reports;
 - b. Annual Emissions Inventory reports; and
 - c. Annual Compliance Certification reports.
13. Provide the current projected capital outlay plan or any other document(s) that sets forth or identifies the operational or equipment changes or the projected capital expenditures that the Facility will be making in the next five years (or any other planning period used) at the Facility. In addition, provide for the period from January 1, 2013 through the date of this request, all capital planning documents (i.e., five year plans and all other comparable documents, including, but not limited to, the "5-year plan and related analysis...completed by Ever-Green Energy Duluth, LLC-City of Duluth...during the fourth quarter 2013," as stated in DSCA's March 8, 2013 response to EPA's January 9, 2013 Section 114 Information Request.
14. Provide copies of all studies, evaluations, assessments, and reports, including, but not limited to life extension, life optimization, or reliability enhancement reports, related to extending the life of or increasing the reliability of any steam production unit at the Facility for the period from January 1, 2013 through the date of this request.
15. Provide all Integrated Resource Plans and Updates completed during the period from January 1, 2011 to the date of this request.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

DSCA may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

See 40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that DSCA is making a claim of confidentiality. Any document for which DSCA makes a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with DSCA’s response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to DSCA.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that DSCA must satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that DSCA intends to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without DSCA's consent and that disclosure of the information is likely to cause substantial harm to DSCA's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send DSCA a letter asking that it support its confidential business information (CBI) claim. If DSCA receives such a letter, DSCA must respond within the number of days specified by EPA. Failure to submit DSCA's comments within that time would be regarded as a waiver of its confidentiality claim or claims, and EPA may release the information. If DSCA receives such a letter, EPA will ask DSCA to specify which portions of the information it considers confidential by page, paragraph, and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to DSCA. For each item or class of information that you identify as being CBI, EPA will ask that DSCA answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If DSCA receives a request for a substantiation letter from the EPA, DSCA bears the burden of substantiating its confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating its CBI claim(s), DSCA must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If DSCA fails to claim the information as confidential, it may be made available to the public without further notice to DSCA.

Personal Privacy Information

Please segregate any personnel, medical and similar files from DSCA's responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Scott Ecklund,
Plant Foreman
Duluth Steam Cooperative Association
202 South Lake Avenue,
Duluth, Minnesota 55802

7014 2870 0001 9577 8606


Jim Benning, PE
Director of Public Works & Utilities
City of Duluth
Department of Public Works & Utilities
411 West First Street, Room 211B, City Hall
Duluth, Minnesota 55802

7014 2870 0001 9577 8613

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Katie Koelfgen, Manager
Compliance and Enforcement Section
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155-4194

On the 29 day of February 2016.

 for

Kathy Jones, Program Technician
AECAB, PAS